

In re Patent Application of
Gary L. Martin
Serial No. 09/801,512
Filed March 7, 2001

REMARKS

Applicant files this Request for Continued Examination and herein responds to the outstanding final Office action.

The Present Invention Is Novel Over The Hellekson Reference

The Examiner has rejected independent claims 1, 10-11, and 20 under 35 USC §102 as anticipated by Hellekson (US 3,204,374). Applicant believes the Examiner has misread the Hellekson reference and respectfully points out the following differences between the reference and the claimed invention.

The Examiner has interpreted the Hellekson reference as describing a two piece soffit panel and points to FIG. 2 as illustrating the two piece panel. The Hellekson prefabricated soffit, in fact, consists of more than two pieces as illustrated in FIG. 2 and described in the specification. From FIG. 2 it can be seen that the Hellekson soffit consists at least of pieces 10, a frieze molding strip (see column 3, line 19), multiple pieces 12, elongated rectangular metal panels extending parallel to the side of the building (see column 3, lines 21-23), and piece 21, a fascia board cover and trim member (see column 3, lines 51-52). Applicant calls the Examiner's attention in FIG. 2 to joints 16 which allow the multiple panels 12 to interlock (see column 3, lines 22-29). Even if the Hellekson invention were modified by increasing the size of piece 12 to cover the entire underside of a building's eave, frieze molding strip 10 and fascia board cover 21 would still be required, resulting in a three piece soffit. *Claims not say consist*

Hellekson, therefore, does not describe or even suggest a two piece soffit panel as claimed, wherein the first member provides a fascia portion and the second member fastens to the side of the building. For those reasons, Applicant respectfully requests that the rejection of claims 1, 10-11 and 20 under Section 102 be withdrawn.

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The Present Invention Is Novel Over The Chalmers Reference

The Examiner has additionally rejected independent claims 1, 10-11, 20 and 31 under 35 USC §102 as anticipated by Chalmers *et al.* (US 4,195,455). Applicant believes the Chalmers *et al.* reference does not anticipate the claimed invention for the following reasons.

The Examiner interprets the invention by Chalmers *et al.* to describe a two piece soffit panel having an adjustable width. Chalmers *et al.* succinctly describe their invention at column 5, lines 16-20, which are quoted below:

The elements of the soffit system 10 are a horizontally elongated trim stringer member 18, a second horizontally elongated trim stringer member 20, and a plurality of panels 21 each constituted of two components respectively designated 22 and 24.

From this description it is clear that the Chalmers *et al.* invention is a soffit system 10 having more than two pieces, and including: trim member 18; trim member 20; a plurality of panels 21, each of these panels 21 being made up of two individual members 22 and 24 which are joined together by overlapping at region 28 as shown in FIG. 2 and described at column 6, lines 37-47. The Chalmers *et al.* invention clearly is made up of many more than two pieces, requiring the two trim members 18 and 20, and a plurality of panels 21, each consisting of members 22 and 24. Accordingly, the reference by Chalmers *et al.* does not describe or suggest a two piece soffit as recited in independent claims 1, and 10-11.

All claim limitations
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Additionally, the cited reference by Chalmers *et al.* does not describe or suggest the methods recited in independent claims 20 and 31. Claims 20 and 31 recite method aspects of the present invention. The methods of claims 20 and 31 comprise forming a first member including a soffit portion and a fascia portion coextensive with the soffit portion. Chalmers *et al.* do not describe or even suggest such a member, or forming the member. The Chalmers *et al.* invention requires an "L-section sheet aluminum trim strip 34 (FIG. 1)" if it is desired to cover the fascia itself. See column 9, line 2, and FIG. 1.

Accordingly, Chalmers *et al.* do not describe or suggest a method which includes forming a single member which includes both soffit and fascia portions coextensive with each other. For those reasons, Applicant respectfully requests that the Examiner withdraw the rejection of the claims on the grounds of anticipation by the Chalmers *et al.* reference.

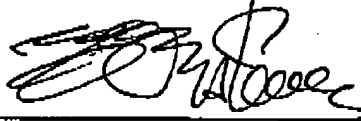
Conclusion

As there are no currently pending independent claims which stand rejected on the grounds of obviousness, and in view of the remarks presented herein, Applicant respectfully submits that all pending independent claims are patentable. In addition, their respective dependent claims, which recite yet further distinguishing features, are also patentable and require no further discussion.

If the further prosecution can be facilitated through a telephone conference between the Examiner and the undersigned, the Examiner is respectfully requested to telephone the undersigned.

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Respectfully submitted,



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